

# Estate of Chemetco, Inc.

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December 10, 2010

James L. Morgan  
Assistant Attorney General  
Environmental Bureau  
500 Second Street  
Springfield, IL 62706

Re: Chemetco Demo Plan and Pilot Plant Progress

Dear Jim:

Following up on our December 3, 2010 response to your November 22, 2010 letter, the Estate and IAD/Paradigm hereby provide the following information regarding the issue of a Chemical Hygiene Officer and Plan.

Michael Smallwood is acting as the Chemical Hygiene Officer. Because of the limited nature of activities during the pilot phase (only Michael Smallwood and his son Christopher have been taking samples in the pilot plant), the approach to chemical hygiene in the pilot plant is not set forth in a formalized plan and, therefore, is not as fully developed as it will be once we move beyond the pilot plant stage. In addressing chemical hygiene issues during the pilot phase, the Chemical Hygiene Officer is expected to address the following items to the extent they apply. The application of these categories will be re-evaluated and formalized once we move beyond the pilot plant stage:

1. Work with other employees to develop and implement appropriate chemical hygiene policies and practices.
2. Monitor procurement, use and disposal of chemicals used in the lab.
3. Review all P.O.s that include chemical reagents.
4. Review all lab procedures, including all new procedures to be introduced.
5. Ensure that staff training and facilities are adequate for materials ordered.
6. Ensure all MSDS forms are available and current.
7. Maintain appropriate audits.
8. Know the current legal requirements concerning regulated substances.
9. Seek ways to improve the chemical hygiene plan.
10. Ensure that workers know and follow the chemical hygiene rules.
11. Provide adequate training for all workers regarding safety, chemical hygiene and chemical hazards.

12. Determine the appropriate protective equipment required; ensure that it is available and in good working order.
13. Provide regular, formal, chemical hygiene and housekeeping inspections:
  - A. Stockrooms and storerooms
  - B. Lab ventilation
  - C. Sinks and clean up areas.
14. Regularly inspect all safety and emergency equipment, to ensure it is in good working order:
  - A. Fume hoods
  - B. Fire equipment
  - C. Eye stations and deluge showers
  - D. Protective apparel.
15. Maintain records:
  - A. Training
  - B. Inspections
  - C. Medical
  - D. Inventory
  - E. Accidents and spills.

If your November 22, 2010 letter was suggesting that we formalize the Chemical Hygiene procedures prior to moving beyond the pilot plant stage, then we should discuss the specific areas that the Agency wants to see covered and a reasonable time frame for the development and submittal of a formal written plan. In the meantime, we expect that Michael Smallwood and his son should be able to operate safely given the limited sampling required at the pilot plant stage for development of the pilot plant report.

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Please do not hesitate to call us if we need to discuss.

Best regards,

Donald Samson  
Trustee Estate of Chemetco

Penni Livingston  
Counsel for the Estate

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Counsel for IAD/Paradigm

cc: Elliott Stegin  
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